till the Tribunal determines the tenants' rights has been examined by Government. It is not permissible to demand Land Revenue in respect of such lands either from the landlord or the tenant. The landlord will plead that the land has vested in Government while the tenant will plead that he has not yet been given occupancy rights. But it is possible that in certain cases, the landlord or tenant or both may voluntarily pay the Land Revenue and other Government tax on disputed lands. In such event it is directed that the amount offered may be collected. In cases where both pay, eventually, the amount paid by the person whose claim is disallowed by the Tribunal, can be refunded.

6. The arrears due upto 1st March 1974 should however be recovered from the landlord.

7. Under Sec. 45, every person who was a permanent tenant, protected tenant or other tenant or where a tenant has lawfully sublet such sub-tenant is entitled to be registered as an occupant with effect from the date of vesting of the lands of which he was a tenant, and which he has been cultivating personally. Such tenant gets the occupancy rights only on passing of an order by the Tribunal under Sec. 48A (5) and thereafter he pays to Government the amount of permium in respect of the land as fixed under Sec. 48A (7) either in a lumpsum or in equated instalments over a period not exceeding twenty years with interest at 4½ percent. a. *vide* Sec. 53. Until the Tribunal issues an order, vide Sec. 48A (5), the person actually cultivating the land may be advised strongly that so long as he claims to be a tenant, it will go against his best interests if he does not desposit with Government the rent due in respect of such land from 1st March 1974 in accordance with Sec. 8 of the Act. These deposits will later on be set off against the premium due and payable to Government by the tenant who gets the occupancy rights and that would help in relieving the burden of paying the accumulated arrears of premium at that time.

8. The Revenue Officers have to get ready with uptodate villagewar lists of lands under lease, specifying the land revenue, rent as prescribed in Sec. 8 and other dues recoverable in respect of such lands from 1st March 1974 and take steps for their recovery at the appropriate times.

N. B. SAKHARDANDE,

Asst Spl. Officer for L. R. and Ex-officio

187 *Under Secretary to Government, Revenue Department.*

CIRCULAR

Alienation of Agricultural lands prohibited under Karnataka Land Reforms Act, 1961.

No. RD 181 LRM 74, BANGALORE DATED 22ND AUGUST 1974

All lands held by or in possession of tenants as on 1st March 1974 other than those held by them under leases permitted under Section 5 of the Karnataka Land Reforms Act 1961 have stood transferred to and vested in Government from 1st March 1974. All rights, title and interest vesting in the owners of such lands and other persons interested in such lands have ceased ; and these are vested absolutely in the State Government free from all encumbrances (Section 44). These lands will ultimately be given to the tenants under the procedure laid down for the registration of tenants as occupants. There is an interval between devestment of the ex-landlord and the registration of the ex-tenant. It is clear that during this interval neither the ex-land lord nor the ex-tenant (or sub-tenant, in actual occupation of the land, has any right of transfer of such land.

There are various ways in which lands become vested in Government under the Land Reforms Law. For instance lands in excess of the ceiling come to Government after the fulfilment of the due procedure. Disposal of all such lands is provided for under Section 77.

If a tenant holding land from a date prior to 1st March 1974 is not entitled to be registered as an occupant or his right to become occupant becomes ineffective, such land will be brought under the surplus land pool and disposed of under Section 77 (Section 58). When a tenant registered as an occupant fails to cultivate the land personally for three consecutive years he is to be evicted and the land is to be disposed of under Section 77 (Section 60).

Where a tenant has become occupant of a land, under the Land Reforms Act, he is prohibited from transferring such land for a period of six years from the date of issue of certificate under Section 55 by the Tahsildar. If such tenant desires to give up personal cultivation of the land of which he has been registered as an occupant within six years of registration, he has to surrender such land to Government and get refund of the amount paid therefor under Section 72.

All the above provisions which mainly relate to the lands under lease as on 1st March 1974 and which have vested or will vest in Government should be specifically brought to the notice of the landlords and tenants by publicity at village level through all possible local media including Village Panchayats, Block Development Offices, Agricultural Extension Centres etc.

Chapter V of the Land Reforms Act contains the various restrictions on the holding or transfer of agricultural lands. Those who are specifically barred from holding agricultural lands are indicated below.

1. Non-cultivating persons.
2. Institutions not covered by Section 63 (7).
3. Companies.
4. Associations or other Bodies.
5. Co-operative Societies other than Co-operative Farms.

Persons having more than Rs. 12,000 annual assured income from sources other than agriculture are barred from acquiring land after 1st March 1974.

Section 80 specifically bars sales of agricultural lands to non-agriculturists. Where lands under self-occupation are within the ceiling area fixed under Section 66 they can be transferred to some one who is entitled to hold it or acquire it under the provisions mentioned above. If the transferee is an agriculturist who is a self-cultivator he must be one holding less than the ceiling area. Even so the transfer can only take place provided the purchaser's holding after the purchase does not exceed the ceiling area. Even future acquisition of land by way of inheritance, bequest etc. by a person already holding land up to the ceiling limit on 1st March 1974 is prohibited by Section 64. Lands so acquired are to be declared and surrendered to Government.

The Assistant Commissioner of the Sub-division is the authority empowered to enquire into illegal transactions under the Land Reforms Act and make a declaration that any particular transaction is in contravention of provisions of the Act, on such declaration the transaction shall be null and void and the land in respect of which such transaction has taken place shall be forfeited to and vest in the State Government. No amount shall be payable therefor.

From 1st March 1974 restrictions on alienation of holdings by persons owning land in excess of ceiling limit fixed under the Karnataka Land Reforms (Amendments) Act, 1973 have come into operation and any alienation which *prima facie* appears to be in contravention of the Land Reforms Law has to be dealt with under Section 83.

Penalties for the various offences under the Law are provided in Sec. 125 of the said Act.

All the Village Accountants and the local Revenue Officers should be suitably educated by the Tahsildars on these provisions of the Land Reforms Act and they in turn should be asked to advise the Agriculturists appropriately.

It is necessary to ensure that agriculturists and others do not involve themsleves in illegal transactions relating to agricultural land. It will be appreci-

ated that such transactions invite heavy penalties. Prospective purchasers may be warned that they stand to lose the land altogether if they become party to illegal transactions. Wide dissemination of the provisions mentioned above is essential to save innocent parties from the dire consequences of ignorance of the new provisions of the Land Reforms Law.

N. B. SAKHARDANDE,
Asst. Spl. Officer for L.R. & Ex-Officio
Under Secy. to Govt. Rev. Department.

DEVELOPMENT, HOUSING, PANCHAYAT RAJ AND CO-OPERATION SECRETARIAT

Re-Organisation of Land Army-Directorate into an autonomous Corporation-Constituting the first Board of Directors and promoters.-Orders thereon

READ:
Government Order No. DPC 43 LAY 74, dated 20th July 1974.

PREAMBLE:—
In order to widen the scope of the activity of the present Land Army organisation, thus enabling it to take up various approved works of several Departments in addition to other activities already on hand, it has been decided by Government to convert the present Land Army Directorate into an autonomous Corporation. The object in creating the Corporation is that the Land Army should raise its own resources in due course, to finance the various activities contemplated.

Accordingly, orders have already been issued in the Government Order dated 20th July 1974 read above appointing Brig. V. P Naib, Director of Land Army as Special Officer for attending to the preliminary work in connection with the formation of the proposed Corporation with immediate effect and until such time as the Corporation formally starts functioning. In the said Government Order, a sum of Rupees Two lakhs has also been placed at the disposal of the special Officer (which is treated as an advance payment of a part of the initial share capital contribution by Government to the Corporation) towards the preliminary work of setting up or Corporation.

ORDER No. DPC 140 LAY 73, BANGALORE, DATED THE 8TH AUGUST 1974.

In the circumstances explained in the preamble, Government are pleased to accord sanction to convert the present Land Army Directorate, Bangalore, into an autonomous Corporation with an authorised share capital of Rupees one crore, and an issued share capital of Rs. 25,00,000/-(Twenty five lakhs only), including the value of assets now in position of Land Army Directorate (approximately costing Rs. 16.00 lakhs.

Sanction is also accorded to constitute the first Board of Directors and Promotors of the Proposed "Corporation" with the following persons :

First Board of Directors of the Proposed "Corporation"—

Chairman

(1) Sri D. Devaraj Urs, Chief Minister, Government of Karnataka.

Vice-Chairman

(2) Sri N. Rachaiah, Minister for Community Development and Social Welfare

Managing Director

(3) Brig. V. P. Naib.

Directors

(4) Sri K. F. Patil, MLA., Byadgi.

(5) Sri D. J. Balaraj, Dev. Commr. and *Ex-officio* Commissioner for Agricultural Production and Special Secretary to Government, Planning Department.